

1           \*-1092/1.42\*SECTION 1688. 101.143 (3) (am) of the statutes is renumbered  
2           292.63 (3) (am) and amended to read:

3           292.63 (3) (am) *Upgraded underground systems.* 1. An owner or operator or  
4           a person owning a home oil tank system is not eligible for an award under this section  
5           for costs incurred because of a petroleum product discharge from an underground  
6           petroleum product storage tank system or a home oil tank system if the discharge  
7           is confirmed after December 31, 1995, and the discharge is confirmed, or activities  
8           under par. (c) or (g) are begun with respect to that discharge, after the day on which  
9           the underground petroleum product storage tank system or home oil tank system  
10          first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
11          promulgated by the department of safety and professional services relating to the  
12          upgrading of existing underground petroleum product storage tank systems, except  
13          as provided in subd. 2.

14          2. If an underground petroleum product storage tank system or home oil tank  
15          system first meets the upgrading requirements in 40 CFR 280.21 (b) to (d) or in rules  
16          promulgated by the department of safety and professional services relating to the  
17          upgrading of existing underground petroleum product storage tank systems, after  
18          December 31, 1993, and the owner or operator or person owning the home oil tank  
19          system applies for private pollution liability insurance covering the underground  
20          petroleum product storage tank system or home oil tank system within 30 days after  
21          the day on which the underground petroleum product storage tank system or home  
22          oil tank system first meets those upgrading requirements, then the owner or  
23          operator or person remains eligible for an award for costs incurred because of a  
24          petroleum product discharge, from that underground petroleum product storage  
25          tank system or home oil tank system, which is confirmed, and with respect to which

1 activities under par. (c) or (g) are begun, before the 91st day after the day on which  
2 the underground petroleum product storage tank system or home oil tank system  
3 first meets those upgrading requirements.

4 \*~~1092/1.43~~**SECTION 1689.** 101.143 (3) (ap) of the statutes is renumbered  
5 292.63 (3) (ap) and amended to read:

6 292.63 (3) (ap) *Upgraded aboveground systems.* An owner or operator is not  
7 eligible for an award under this section for costs incurred because of a petroleum  
8 product discharge from a petroleum product storage system that is not an  
9 underground petroleum product storage tank system if the discharge is confirmed  
10 after December 22, 2001, and the discharge is confirmed, or activities under par. (c)  
11 or (g) are begun with respect to that discharge, after the day on which the petroleum  
12 product storage system first meets the upgrading requirements in state rules  
13 ~~promulgated by the department~~ relating to the upgrading of existing petroleum  
14 product storage systems that are not underground petroleum product storage tank  
15 systems.

16 \*~~1092/1.44~~**SECTION 1690.** 101.143 (3) (av) of the statutes is renumbered  
17 292.63 (3) (av) and amended to read:

18 292.63 (3) (av) *Claims submitted for petroleum product storage systems on*  
19 *tribal trust lands.* The owner or operator of a petroleum product storage system  
20 located on trust lands of an American Indian tribe may submit a claim for an award  
21 under sub. (4) if the owner or operator otherwise satisfies par. (a) and complies with  
22 the rules promulgated under this section and any other state rules ~~promulgated by~~  
23 ~~the department~~ concerning petroleum product storage systems.

24 \*~~1092/1.45~~**SECTION 1691.** 101.143 (3) (b), (bm) and (bn) of the statutes are  
25 renumbered 292.63 (3) (b), (bm) and (bn).

1           \*~~1092/1.46~~**SECTION 1692.** 101.143 (3) (c) of the statutes is renumbered  
2           292.63 (3) (c), and 292.63 (3) (c) 4., as renumbered, is amended to read:

3           292.63 (3) (c) 4. Receive written approval from the department of natural  
4           resources ~~or, if the discharge is covered under s. 101.144 (2) (b), from the department~~  
5           ~~of safety and professional services~~ that the remedial action activities performed  
6           under subd. 3. meet the requirements of s. 292.11.

7           \*~~1092/1.47~~**SECTION 1693.** 101.143 (3) (cm) of the statutes is renumbered  
8           292.63 (3) (cm) and amended to read:

9           292.63 (3) (cm) *Monitoring as remedial action.* An owner or operator or person  
10          owning a home oil tank system may, with the approval of the department of natural  
11          resources ~~or, if the discharge is covered under s. 101.144 (2) (b), the department of~~  
12          ~~safety and professional services~~, satisfy the requirements of par. (c) 2. and 3. by  
13          proposing and implementing monitoring to ensure the effectiveness of natural  
14          attenuation of petroleum product contamination.

15          \*~~1092/1.48~~**SECTION 1694.** 101.143 (3) (cp) of the statutes is renumbered  
16          292.63 (3) (cp) and amended to read:

17          292.63 (3) (cp) *Bidding process.* 1. Except as provided in subds. 2. ~~to 5.~~ and  
18          5., if the department of natural resources ~~or, if the site is covered under s. 101.144~~  
19          ~~(2) (b), the department of safety and professional services~~ estimates that the cost to  
20          complete a site investigation, remedial action plan and remedial action for an  
21          occurrence exceeds \$60,000, the department of ~~safety and professional services~~ shall  
22          implement a competitive public bidding process to obtain information to assist in  
23          making the determination under par. (cs).

24          2. The department of ~~safety and professional services or the department of~~  
25          ~~natural resources~~ may waive the requirement under subd. 1. if an enforcement

1 standard is exceeded in groundwater within 1,000 feet of a well operated by a public  
2 utility, as defined in s. 196.01 (5), or within 100 feet of any other well used to provide  
3 water for human consumption.

4 5. The department ~~of safety and professional services or the department of~~  
5 ~~natural resources~~ may waive the requirement under subd. 1. after providing notice  
6 to the ~~other department~~ secretary of administration.

7 6. The department ~~of safety and professional services~~ may disqualify a bid  
8 received under subd. 1. if, based on information available to the department and  
9 experience with remedial action at other sites, the bid is unlikely to establish an  
10 amount to sufficiently fund remedial action that will comply with par. (c) 3. and with  
11 enforcement standards.

12 7. The department ~~of safety and professional services~~ may disqualify a person  
13 from submitting bids under subd. 1. if, based on past performance of the bidder, the  
14 department determines that the person has demonstrated an inability to complete  
15 remedial action within established cost limits.

16 ~~\*-1092/1.49\*~~**SECTION 1695.** 101.143 (3) (cs) (title) of the statutes is  
17 renumbered 292.63 (3) (cs) (title).

18 ~~\*-1092/1.50\*~~**SECTION 1696.** 101.143 (3) (cs) 1. of the statutes is renumbered  
19 292.63 (3) (cs) 1. and amended to read:

20 292.63 (3) (cs) 1. The department ~~of safety and professional services~~ shall  
21 review the remedial action plan for a site ~~that is classified as low or medium risk~~  
22 ~~under s. 101.144~~ and shall determine the least costly method of complying with par.  
23 (c) 3. and with enforcement standards. The department shall notify the owner or  
24 operator of its determination of the least costly method and shall notify the owner

1 or operator that reimbursement for remedial action under this section is limited to  
2 the amount necessary to implement that method.

3 **\*-1092/1.51\*SECTION 1697.** 101.143 (3) (cs) 2. of the statutes is repealed.

4 **\*-1092/1.52\*SECTION 1698.** 101.143 (3) (cs) 3. of the statutes is renumbered  
5 292.63 (3) (cs) 3. and amended to read:

6 292.63 (3) (cs) 3. In making determinations under ~~subds.~~ subd. 1. ~~and 2.~~, the  
7 department ~~of natural resources and the department of safety and professional~~  
8 ~~services~~ shall determine whether natural attenuation will achieve compliance with  
9 par. (c) 3. and with enforcement standards.

10 **\*-1092/1.53\*SECTION 1699.** 101.143 (3) (cs) 4. of the statutes is renumbered  
11 292.63 (3) (cs) 4. and amended to read:

12 292.63 (3) (cs) 4. The department ~~of safety and professional services~~ may  
13 review and modify an amount established under subd. 1. if the department  
14 determines that new circumstances, including newly discovered contamination at a  
15 site, warrant those actions. ~~The department of safety and professional services and~~  
16 ~~the department of natural resources may review and modify an amount established~~  
17 ~~under subd. 2. if the departments determine that new circumstances, including~~  
18 ~~newly discovered contamination at a site, warrant those actions.~~

19 **\*-1092/1.54\*SECTION 1700.** 101.143 (3) (cw) (title) of the statutes is  
20 renumbered 292.63 (3) (cw) (title).

21 **\*-1092/1.55\*SECTION 1701.** 101.143 (3) (cw) 1. of the statutes is renumbered  
22 292.63 (3) (cw) 1. and amended to read:

23 292.63 (3) (cw) 1. The department ~~of safety and professional services~~ shall  
24 conduct the annual review required under sub. (2) (i) 1. for a site ~~that is classified as~~  
25 ~~low or medium risk under s. 101.144~~ and shall determine the least costly method of

## SECTION 1701

1 completing remedial action at the site in order to comply with par. (c) 3. and with  
2 enforcement standards. The department shall notify the owner or operator of its  
3 determination of the least costly method and shall notify the owner or operator that  
4 reimbursement under this section for any remedial action conducted after the date  
5 of the notice is limited to the amount necessary to implement that method.

6 **\*-1092/1.56\*SECTION 1702.** 101.143 (3) (cw) 2. of the statutes is repealed.

7 **\*-1092/1.57\*SECTION 1703.** 101.143 (3) (cw) 3. of the statutes is renumbered  
8 292.63 (3) (cw) 3. and amended to read:

9 292.63 (3) (cw) 3. In making determinations under ~~subds. subd. 1. and 2.,~~ the  
10 ~~department of natural resources and the department of safety and professional~~  
11 ~~services~~ shall determine whether natural attenuation will achieve compliance with  
12 par. (c) 3. and with enforcement standards.

13 **\*-1092/1.58\*SECTION 1704.** 101.143 (3) (cw) 4. of the statutes is renumbered  
14 292.63 (3) (cw) 4. and amended to read:

15 292.63 (3) (cw) 4. The department ~~of safety and professional services~~ may  
16 review and modify an amount established under subd. 1. if the department  
17 determines that new circumstances, including newly discovered contamination at a  
18 site, warrant those actions. ~~The department of safety and professional services and~~  
19 ~~the department of natural resources may review and modify an amount established~~  
20 ~~under subd. 2. if the departments determine that new circumstances, including~~  
21 ~~newly discovered contamination at a site, warrant those actions.~~

22 **\*-1092/1.59\*SECTION 1705.** 101.143 (3) (d) of the statutes is renumbered  
23 292.63 (3) (d) and amended to read:

24 292.63 (3) (d) *Final review of remedial action activities.* The department of  
25 ~~natural resources or, if the discharge is covered under s. 101.144 (2) (b), the~~

1 ~~department of safety and professional services~~ shall complete a final review of the  
2 remedial action activities within 60 days after the claimant notifies the ~~appropriate~~  
3 department that the remedial action activities are completed.

4 **\*-1092/1.60\*SECTION 1706.** 101.143 (3) (e) of the statutes is repealed.

5 **\*-1092/1.61\*SECTION 1707.** 101.143 (3) (f) of the statutes is renumbered  
6 292.63 (3) (f), and 292.63 (3) (f) 5., as renumbered, is amended to read:

7 292.63 (3) (f) 5. The written approval of the department of ~~natural resources~~  
8 ~~or the department of safety and professional services~~ under par. (c) 4.

9 **\*-1092/1.62\*SECTION 1708.** 101.143 (3) (g) of the statutes is renumbered  
10 292.63 (3) (g) and amended to read:

11 292.63 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1. and  
12 2., an owner or operator or the person may submit a claim for an award under sub.  
13 (4) after notifying the department under par. (a) 3., without completing an  
14 investigation under par. (c) 1. and without preparing a remedial action plan under  
15 par. (c) 2., if an emergency existed which made the investigation under par. (c) 1. and  
16 the remedial action plan under par. (c) 2. inappropriate and, before conducting  
17 remedial action, the owner or operator or person notified the department of ~~safety~~  
18 ~~and professional services and the department of natural resources~~ of the emergency  
19 and the department of ~~safety and professional services and the department of~~  
20 ~~natural resources~~ authorized emergency action.

21 **\*-1092/1.63\*SECTION 1709.** 101.143 (3) (h) of the statutes is renumbered  
22 292.63 (3) (h).

23 **\*-1092/1.64\*SECTION 1710.** 101.143 (4) (title) of the statutes is renumbered  
24 292.63 (4) (title).

**SECTION 1711**

1           **\*-1092/1.65\*SECTION 1711.** 101.143 (4) (a) of the statutes is renumbered  
2           292.63 (4) (a), and 292.63 (4) (a) 6. and 7., as renumbered, are amended to read:

3           292.63 (4) (a) 6. In any fiscal year, the department may not award more than  
4           5% of the amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) as awards for  
5           petroleum product storage systems described in par. (ei).

6           7. In any fiscal year, the department may not award more than 5% of the  
7           amount appropriated under s. ~~20.165 (2) (v)~~ 20.370 (2) (eu) as awards for petroleum  
8           product storage systems that are owned by school districts and that are used for  
9           storing heating oil for consumptive use on the premises where stored.

10          **\*-1092/1.66\*SECTION 1712.** 101.143 (4) (b) of the statutes is renumbered  
11          292.63 (4) (b).

12          **\*-1092/1.67\*SECTION 1713.** 101.143 (4) (c) of the statutes is renumbered  
13          292.63 (4) (c), and 292.63 (4) (c) 12., as renumbered, is amended to read:

14          292.63 (4) (c) 12. Costs that are incurred after the date of a notice under sub.  
15          (3) (cw) 1. ~~or 2.~~ and that exceed the amount necessary to comply with sub. (3) (c) 3.  
16          and with enforcement standards using the method specified in the notice.

17          **\*-1092/1.68\*SECTION 1714.** 101.143 (4) (cc) of the statutes is renumbered  
18          292.63 (cc).

19          **\*-1092/1.69\*SECTION 1715.** 101.143 (4) (ce) of the statutes is renumbered  
20          292.63 (4) (ce).

21          **\*-1092/1.70\*SECTION 1716.** 101.143 (4) (cm) of the statutes is renumbered  
22          292.63 (4) (cm).

23          **\*-1092/1.71\*SECTION 1717.** 101.143 (4) (d) of the statutes is renumbered  
24          292.63 (4) (d).



1           **\*-1092/1.72\*SECTION 1718.** 101.143 (4) (dg) of the statutes is renumbered  
2           292.63 (4) (dg).

3           **\*-1092/1.73\*SECTION 1719.** 101.143 (4) (di) of the statutes is renumbered  
4           292.63 (4) (di).

5           **\*-1092/1.74\*SECTION 1720.** 101.143 (4) (dm) of the statutes is renumbered  
6           292.63 (4) (dm).

7           **\*-1092/1.75\*SECTION 1721.** 101.143 (4) (dr) of the statutes is renumbered  
8           292.63 (4) (dr).

9           **\*-1092/1.76\*SECTION 1722.** 101.143 (4) (e) of the statutes is renumbered  
10          292.63 (4) (e).

11          **\*-1092/1.77\*SECTION 1723.** 101.143 (4) (ee) of the statutes is renumbered  
12          292.63 (4) (ee).

13          **\*-1092/1.78\*SECTION 1724.** 101.143 (4) (ei) of the statutes is renumbered  
14          292.63 (4) (ei), and 292.63 (4) (ei) 1m. a. and b. and 2m., as renumbered, are amended  
15          to read:

16               292.63 (4) (ei) 1m. a. The owner or operator of the farm tank owns a parcel of  
17          35 or more acres of contiguous land, on which the farm tank is located, which is  
18          devoted primarily to agricultural use, as defined in s. 91.01 (2), including land  
19          designated by the department of ~~natural resources~~ as part of the ice age trail under  
20          s. 23.17, which during the year preceding submission of a first claim under sub. (3)  
21          produced gross farm profits, as defined in s. 71.58 (4), of not less than \$6,000 or  
22          which, during the 3 years preceding that submission produced gross farm profits, as  
23          defined in s. 71.58 (4), of not less than \$18,000, or a parcel of 35 or more acres, on  
24          which the farm tank is located, of which at least 35 acres, during part or all of the

1 year preceding that submission, were enrolled in the conservation reserve program  
2 under 16 USC 3831 to 3836.

3 b. The claim is submitted by a person who, at the time that the notification was  
4 made under sub. (3) (a) 3., was the owner of the farm tank and owned a parcel of 35  
5 or more acres of contiguous land, on which the farm tank is or was located, which was  
6 devoted primarily to agricultural use, as defined in s. 91.01 (2), including land  
7 designated by the department of ~~natural resources~~ as part of the ice age trail under  
8 s. 23.17, which during the year preceding that notification produced gross farm  
9 profits, as defined in s. 71.58 (4), of not less than \$6,000 or which, during the 3 years  
10 preceding that notification, produced gross farm profits, as defined in s. 71.58 (4), of  
11 not less than \$18,000, or a parcel of 35 or more acres, on which the farm tank is  
12 located, of which at least 35 acres, during part or all of the year preceding that  
13 notification, were enrolled in the conservation reserve program under 16 USC 3831  
14 to 3836.

15 2m. The owner or operator of the farm tank has received a letter or notice from  
16 the department of ~~safety and professional services or department of natural~~  
17 ~~resources~~ indicating that the owner or operator must conduct a site investigation or  
18 remedial action because of a discharge from the farm tank or an order to conduct such  
19 an investigation or remedial action.

20 ~~\*-1092/1.79\*~~**SECTION 1725.** 101.143 (4) (em) of the statutes is renumbered  
21 292.63 (4) (em).

22 ~~\*-1092/1.80\*~~**SECTION 1726.** 101.143 (4) (es) of the statutes is renumbered  
23 292.63 (4) (es), and 292.63 (4) (es) 1., as renumbered, is amended to read:

24 292.63 (4) (es) 1. The department shall issue an award for a claim filed after  
25 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,

1 by an owner or operator or a person owning a home oil tank system in investigating  
2 the existence of a discharge or investigating the presence of petroleum products in  
3 soil or groundwater if the investigation is undertaken at the written direction of the  
4 department of safety and professional services or the department of natural  
5 resources and no discharge or contamination is found.

6 **\*-1092/1.81\*SECTION 1727.** 101.143 (4) (f) of the statutes is renumbered  
7 292.63 (4) (f).

8 **\*-1092/1.82\*SECTION 1728.** 101.143 (4) (g) of the statutes is renumbered  
9 292.63 (4) (g).

10 **\*-1092/1.83\*SECTION 1729.** 101.143 (4) (h) of the statutes is renumbered  
11 292.63 (4) (h).

12 **\*-1092/1.84\*SECTION 1730.** 101.143 (4e) of the statutes is renumbered 292.63  
13 (4e).

14 **\*-1092/1.85\*SECTION 1731.** 101.143 (4m) of the statutes is renumbered 292.63  
15 (4m).

16 **\*-1092/1.86\*SECTION 1732.** 101.143 (5) of the statutes is renumbered 292.63  
17 (5).

18 **\*-1092/1.87\*SECTION 1733.** 101.143 (6) of the statutes is renumbered 292.63  
19 (6).

20 **\*-1092/1.88\*SECTION 1734.** 101.143 (6s) of the statutes is renumbered 292.63  
21 (6s).

22 **\*-1092/1.89\*SECTION 1735.** 101.143 (7) of the statutes is renumbered 292.63  
23 (7).

24 **\*-1092/1.90\*SECTION 1736.** 101.143 (7m) of the statutes is renumbered 292.63  
25 (7m).

**SECTION 1737**

**\*-1092/1.91\*SECTION 1737.** 101.143 (9) of the statutes is renumbered 292.63 (9).

**\*-1092/1.92\*SECTION 1738.** 101.143 (9m) of the statutes is renumbered 292.63 (9m).

**\*-1092/1.93\*SECTION 1739.** 101.143 (10) of the statutes is renumbered 292.63 (10).

**\*-1092/1.94\*SECTION 1740.** 101.1435 of the statutes is renumbered 292.64, and 292.64 (1) (b) and (2) (b), as renumbered, are amended to read:

**292.64 (1) (b)** “Underground petroleum product storage tank system” has the meaning given in s. ~~101.143~~ 292.63 (1) (i).

**(2) (b)** Using the method that the department uses to determine inability to pay under s. ~~101.143~~ 292.63 (4) (ee), the department determines that the owner of the underground petroleum product storage tank system is unable to pay to empty, clean, remove, and dispose of the underground petroleum product storage tank system; to assess the site on which the underground petroleum product storage tank system is located; and to backfill the excavation.

**\*-1092/1.95\*SECTION 1741.** 101.144 of the statutes is repealed.

**\*-0387/6.57\*SECTION 1742.** 101.19 (1r) of the statutes is amended to read:

101.19 **(1r)** Notwithstanding subs. (1g) and (1m), the department shall waive any fee imposed on an individual who is eligible for the veterans fee waiver program under s. 45.44 for a license, permit, or certificate of certification or registration issued by the department under ~~ss. 101.09 (3) (e), s. 101.122 (2) (c), 101.143 (2) (g), 101.147, 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,~~

1 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16,  
2 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

3 **\*-1092/1.96\*SECTION 1743.** 101.19 (1r) of the statutes is amended to read:

4 101.19 (1r) Notwithstanding subs. (1g) and (1m), the department shall waive  
5 any fee imposed on an individual who is eligible for the veterans fee waiver program  
6 under s. 45.44 for a license, permit, or certificate of certification or registration issued  
7 by the department under ss. 101.09 (3) (c), 101.122 (2) (c), ~~101.143 (2) (g)~~, 101.147,  
8 101.15 (2) (e), 101.16 (3g), 101.17, 101.177 (4) (a), 101.178 (2) or (3) (a), 101.63 (2) or  
9 (2m), 101.653, 101.73 (5) or (6), 101.82 (1m), (1v), and (2), 101.935, 101.95, 101.951,  
10 101.952, 101.985 (1) to (3), 145.02 (4), 145.035, 145.045, 145.07 (12), 145.15, 145.16,  
11 145.165, 145.17, 145.175, 145.18, or 167.10 (6m).

12 **\*-0811/2.3\*SECTION 1744.** 101.45 of the statutes is renumbered 16.956.

13 **\*-0226/1.16\*SECTION 1745.** 101.653 (2m) of the statutes is amended to read:

14 101.653 (2m) RULES FOR ADMINISTRATION. The department shall promulgate  
15 rules for the administration of construction site erosion control under this  
16 subchapter by counties, cities, villages and towns, including provisions regarding the  
17 issuance of building permits and the collection and distribution of fees.

18 **\*-0226/1.17\*SECTION 1746.** 101.653 (8) of the statutes is created to read:

19 101.653 (8) INAPPLICABILITY. This section does not apply to a construction site  
20 that has a land disturbance area that is one acre or more in area.

21 **\*-0063/4.53\*SECTION 1747.** 102.07 (17m) of the statutes is amended to read:

22 102.07 (17m) A participant in a trial employment match program job under s.  
23 49.147 (3) is an employee of any employer under this chapter for whom the  
24 participant is performing service at the time of the injury.

25 **\*-0350/3.3\*SECTION 1748.** 102.75 (1m) of the statutes is amended to read:

1           102.75 (1m) The moneys collected under sub. (1) and under ss. 102.28 (2) and  
2           102.31 (7), together with all accrued interest, shall constitute a separate nonlapsible  
3           fund designated as the worker's compensation operations fund. Moneys in the fund  
4           may be expended only as provided in s. 20.445 (1) (ra), (rb), and (rp) and (2) (ra) and  
5           may not be used for any other purpose of the state.

6           \*-0221/P3.7\*SECTION 1749. 108.02 (21e) (intro.) of the statutes is amended to  
7           read:

8           108.02 (21e) PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional  
9           employer organization" means any person who is currently registered as a  
10          professional employer organization with the department of ~~safety and professional~~  
11          ~~services~~ financial institutions in accordance with subch. III of ch. 461 202, who  
12          contracts to provide the nontemporary, ongoing employee workforce of more than one  
13          client under a written leasing contract, the majority of whose clients are not under  
14          the same ownership, management, or control as the person other than through the  
15          terms of the contract, and who under contract and in fact:

16          \*-0317/1.5\*SECTION 1750. 108.14 (7) (bm) of the statutes is created to read:

17          108.14 (7) (bm) Upon request of the department of revenue, the department  
18          may provide information, including social security numbers, concerning claimants  
19          to the department of revenue for the purpose of administering state taxes,  
20          identifying fraudulent tax returns, providing information for tax-related  
21          prosecutions, or locating persons or the assets of persons who have failed to file tax  
22          returns, who have underreported their taxable income, or who are delinquent  
23          debtors. The department of revenue shall adhere to the limitation on inspection and  
24          disclosure of the information under par. (b).

25          \*-1130/4.74\*SECTION 1751. 108.161 (7) of the statutes is amended to read:

1           108.161 (7) If any moneys appropriated hereunder are used to buy and hold  
2     suitable land, with a view to the future construction of an employment security  
3     building thereon, and if such land is later sold or transferred to other use, the  
4     proceeds of such sale (or the value of such land when transferred) shall be credited  
5     to the account created by sub. (1) except as otherwise provided in s. 13.48 (14) and  
6     16.848.

7           \*~~1130/4.75~~**SECTION 1752.** 108.161 (9) of the statutes is amended to read:

8           108.161 (9) Any land and building or office quarters acquired under this section  
9     shall continue to be used for employment security purposes. Realty or quarters may  
10    not be sold or transferred to other use if prior action is taken under s. 13.48 (14) (am)  
11    or 16.848 (1) and may not be sold or transferred without the governor's approval. The  
12    proceeds from the sale, or the value of realty or quarters upon transfer, shall be  
13    credited to the account established in sub. (1) or credited to the fund established in  
14    s. 108.20, or both in accordance with federal requirements. Equivalent substitute  
15    rent-free quarters may be provided, as federally approved. Amounts credited under  
16    this subsection shall be used solely to finance employment security quarters  
17    according to federal requirements.

18          \*~~0317/1.6~~**SECTION 1753.** 108.24 (4) of the statutes is amended to read:

19          108.24 (4) Any person who, without authorization of the department, permits  
20    inspection or disclosure of any record relating to the administration of this chapter  
21    that is provided to the person by the department under s. 108.14 (7) (a) ~~or~~, (b), or (bm)  
22    and any person who, without authorization of the commission, permits inspection or  
23    disclosure of any record relating to the administration of this chapter that is provided  
24    to the person by the commission under s. 108.14 (7) (a), shall be fined not less than  
25    \$25 nor more than \$500 or may be imprisoned in the county jail for not more than

1 one year or both. Each such unauthorized inspection or disclosure constitutes a  
2 separate offense.

3 **\*-0469/1.55\*SECTION 1754.** 111.335 (1) (cx) of the statutes is amended to read:

4 111.335 (1) (cx) Notwithstanding s. 111.322, it is not employment  
5 discrimination because of conviction record to refuse to employ or license, or to bar  
6 or terminate from employment or licensure, any individual who has been convicted  
7 of any offense under s. ~~38.50~~ 440.55 (13) (c).

8 **\*-1137/P4.3\*SECTION 1755.** 111.81 (7) (f) of the statutes is amended to read:

9 111.81 (7) (f) Instructional staff employed by the board of regents of the  
10 University of Wisconsin System who provide services for a charter school established  
11 by contract under s. 118.40 (2r) (cm), 2011 stats.

12 **\*-1137/P4.4\*SECTION 1756.** 111.815 (1) of the statutes, as affected by 2011  
13 Wisconsin Acts 10 and 32, is amended to read:

14 111.815 (1) In the furtherance of this subchapter, the state shall be considered  
15 as a single employer and employment relations policies and practices throughout the  
16 state service shall be as consistent as practicable. The office shall negotiate and  
17 administer collective bargaining agreements. To coordinate the employer position  
18 in the negotiation of agreements, the office shall maintain close liaison with the  
19 legislature relative to the negotiation of agreements and the fiscal ramifications of  
20 those agreements. Except with respect to the collective bargaining unit specified in  
21 s. 111.825 (1r), and (1t),, the office is responsible for the employer functions of the  
22 executive branch under this subchapter, and shall coordinate its collective  
23 bargaining activities with operating state agencies on matters of agency concern.  
24 The legislative branch shall act upon those portions of tentative agreements  
25 negotiated by the office that require legislative action. With respect to the collective



1 bargaining units specified in s. 111.825 (1r), the Board of Regents of the University  
2 of Wisconsin System is responsible for the employer functions under this subchapter.  
3 With respect to the collective bargaining units specified in s. 111.825 (1t), the  
4 chancellor of the University of Wisconsin–Madison is responsible for the employer  
5 functions under this subchapter. With respect to the collective bargaining unit  
6 specified in s. 111.825 (1r) (ef), the governing board of the charter school established  
7 by contract under s. 118.40 (2r) (cm), 2011 stats., is responsible for the employer  
8 functions under this subchapter.

9 **\*-1137/P4.5\*SECTION 1757.** 111.825 (1r) (ef) of the statutes, as affected by 2011  
10 Wisconsin Act 32, is amended to read:

11 111.825 (1r) (ef) Instructional staff employed by the board of regents of the  
12 University of Wisconsin System who provide services for a charter school established  
13 by contract under s. 118.40 (2r) (cm), 2011 stats.

14 **\*-1137/P4.6\*SECTION 1758.** 111.825 (2) (f) of the statutes is amended to read:

15 111.825 (2) (f) Instructional staff employed by the board of regents of the  
16 University of Wisconsin System who provide services for a charter school established  
17 by contract under s. 118.40 (2r) (cm), 2011 stats.

18 **\*-1137/P4.7\*SECTION 1759.** 111.92 (1) (c) of the statutes is amended to read:

19 111.92 (1) (c) Any tentative agreement reached between the governing board  
20 of the charter school established by contract under s. 118.40 (2r) (cm), 2011 stats.,  
21 acting for the state, and any labor organization representing a collective bargaining  
22 unit specified in s. 111.825 (1r) (ef) shall, after official ratification by the labor  
23 organization and approval by the chancellor of the University of  
24 Wisconsin–Parkside, be executed by the parties.

25 **\*-1130/4.76\*SECTION 1760.** 114.33 (6) (a) of the statutes is amended to read:

**SECTION 1760**

1           114.33 (6) (a) For the purposes of carrying out this section and ss. 114.35 and  
2           114.37, the secretary may acquire by gift, devise, purchase or condemnation any  
3           lands for establishing, protecting, laying out, enlarging, extending, constructing,  
4           reconstructing, improving and maintaining airports, or interests in lands in and  
5           about airports. After completion of the improvements, subject to any prior action  
6           under s. 13.48 (14) (am) or 16.848 (1), the secretary may convey as provided in this  
7           subsection lands that were acquired under this subsection, but were not necessary  
8           for the airport improvements. The conveyances may be made with reservations  
9           concerning the future use and occupation of those lands so as to protect the airports  
10          and improvements and their environs and to preserve the view, appearance, light,  
11          air and usefulness of the airports.

12           \*~~1130/4.77~~**SECTION 1761.** 114.33 (10) of the statutes is amended to read:

13          114.33 (10) Subject to the approval of the governor under this subsection and  
14          subject to any prior action under s. 13.48 (14) (am) or 16.848 (1), the secretary may  
15          sell at public or private sale property of whatever nature owned by the state and  
16          under the jurisdiction of the secretary when the secretary determines that the  
17          property is no longer necessary for the state's use for airport purposes and, if real  
18          property, the real property is not the subject of a petition under s. 16.310. The  
19          secretary shall present to the governor a full and complete report of the property to  
20          be sold, the reason for the sale, and the minimum price for which the property should  
21          be sold, together with an application for the governor's approval of the sale. The  
22          governor shall investigate the proposed sale as he or she deems necessary and  
23          approve or disapprove the application. Upon approval and receipt of the full  
24          purchase price, the secretary shall by appropriate deed or other instrument transfer  
25          the property to the purchaser. The funds derived from the sale shall be deposited in

1 the appropriate airport fund, and the expense incurred by the secretary in  
2 connection with the sale shall be paid from that fund. ~~This subsection does not apply~~  
3 ~~to real property that is sold under s. 16.848.~~

4 **\*-1137/P4.8\*SECTION 1762.** 115.001 (1) of the statutes is amended to read:

5 115.001 (1) CHARTER SCHOOL. “Charter school” means a school under contract  
6 with a school board under s. 118.40 or with ~~one of the entities~~ an entity under s.  
7 118.40 (2r) (b) 1., or a school established and operated by ~~one of the entities~~ an entity  
8 under s. 118.40 (2r) (b) 1. a. to d.

9 **\*-0987/3.1\*SECTION 1763.** 115.28 (7) (g) of the statutes is created to read:

10 115.28 (7) (g) Notwithstanding s. 118.19 (3), (4m), (6) to (9), and (12) to (14),  
11 grant a charter school teaching license to any person who has a bachelor’s degree and  
12 demonstrates, based upon criteria established by the department, that the person  
13 is proficient in the subject or subjects that he or she intends to teach. The license  
14 authorizes the person to teach that subject or those subjects in a charter school. The  
15 license is valid for 3 years and is renewable for 3–year periods.

16 **\*-0990/2.1\*SECTION 1764.** 115.28 (12) (a) of the statutes is amended to read:

17 115.28 (12) (a) Working with the office of the governor, establish a student  
18 information system to collect and maintain information about pupils enrolled in  
19 public schools; and charter schools and, subject to par. (b), about pupils enrolled in  
20 private schools participating in a parental choice program under s. 118.60 or 119.23,  
21 including their academic performance and demographic information, aggregated by  
22 school district, school, and teacher.

23 **\*-0990/2.2\*SECTION 1765.** 115.28 (12) (ag) (intro.) of the statutes is amended

24 to read:

**SECTION 1765**

1           115.28 (12) (ag) (intro.) ~~Beginning in the 2012–13 school year, each~~ Each school  
2           district, charter school, and private school using the system under par. (a) shall  
3           include in the system the following information for each teacher teaching in the  
4           school district or school who completed a teacher preparatory program described in  
5           sub. (7) (a) and located in this state or a teacher education program described in sub.  
6           (7) (e) 2. and located in this state on or after January 1, 2012:

7           \*~~0347/P1.3~~**SECTION 1766.** 115.28 (12) (b) of the statutes is amended to read:

8           115.28 (12) (b) Ensure that within 5 years of the establishment of the system  
9           under par. (a), every school district is using the system. The state superintendent  
10          may promulgate rules authorizing the department to charge a fee to any person that  
11          uses the system. All fees shall be credited to the appropriation account under s.  
12          20.255 (1) ~~(jm)~~ (he).

13          \*~~0990/2.3~~**SECTION 1767.** 115.28 (12) (b) of the statutes is amended to read:

14          115.28 (12) (b) Ensure that within 5 years of the establishment of the system  
15          under par. (a), every school district and charter school is using the system, and that  
16          every private school participating in a parental choice program under s. 118.60 or  
17          119.23 is either using the system under par. (a) or is using a system that is  
18          interoperable with the system under par. (a). The state superintendent may  
19          promulgate rules authorizing the department to charge a fee to any person that uses  
20          the system. All fees shall be credited to the appropriation account under s. 20.255  
21          (1) ~~(jm)~~.

22          \*~~0394/1.2~~**SECTION 1768.** 115.28 (27) of the statutes is created to read:

23          115.28 (27) WISELEARN. Develop and maintain an online resource, called  
24          WISElearn, to provide educational resources for parents, teachers, and pupils; offer

1 online learning opportunities; provide regional technical support centers; provide  
2 professional development for teachers; and enable video conferencing.

3 **\*-1133/P2.1\*SECTION 1769.** 115.28 (54) of the statutes is created to read:

4 115.28 (54) COLLABORATIVE CONTENT DELIVERY AND ONLINE INSTRUCTION. Promote  
5 the delivery of digital content and collaborative instruction among schools within a  
6 school district and between 2 or more school districts, including through online  
7 courses. To accomplish the objectives of this subsection, the department may not  
8 promulgate a rule or establish a policy that requires a licensed teacher or  
9 instructional staff person, defined as required under s. 121.02 (1) (a) 2., to be  
10 physically present in a classroom in which the delivery of content or collaborative  
11 instruction is being provided in that classroom digitally or through an online course.

12 **\*-1136/4.2\*SECTION 1770.** 115.28 (59) of the statutes is created to read:

13 115.28 (59) ACADEMIC AND CAREER PLANNING. (a) Ensure that, beginning in the  
14 2017–18 school year, every school board is providing academic and career planning  
15 services to pupils enrolled in grades 6 to 12 in the school district.

16 (b) Procure, install, and maintain information technology, including computer  
17 software, to be used statewide by school districts to provide academic and career  
18 planning services to pupils in grades 6 to 12.

19 (c) Provide guidance, training, and technical assistance to school districts and  
20 school district staff, including teachers and counselors, on how to implement model  
21 academic and career plans, including training and technical assistance that is  
22 necessary to implement the information technology under par. (b).

23 (d) Promulgate rules to implement this subsection.

24 **\*-1127/2.2\*SECTION 1771.** 115.28 (60) of the statutes is created to read:

1           115.28 (60) TEACH FOR AMERICA. Distribute the amounts appropriated under  
2           s. 20.255 (3) (cm) to Teach for America, Inc., to recruit and prepare individuals to  
3           teach in low-income or urban school districts.

4           \*–1507/3.1\*SECTION 1772. 115.297 (1) (a) of the statutes is amended to read:

5           115.297 (1) (a) “Agencies” means the department, the board of regents of the  
6           University of Wisconsin System, the department of children and families, the  
7           department of workforce development, the technical college system board, and the  
8           Wisconsin Association of Independent Colleges and Universities.

9           \*–1507/3.2\*SECTION 1773. 115.297 (3) (a) of the statutes is amended to read:

10          115.297 (3) (a) Requires that the agencies establish and maintain a  
11          longitudinal data system of student data that links such data from preschool  
12          programs to postsecondary education programs, ~~and~~ describes the process by which  
13          the data system will be established and maintained, and ensures its interoperability  
14          with the work force data systems maintained by the department of workforce  
15          development. The data system may consist of separate record systems integrated  
16          through agreement and data transfer mechanisms.

17          \*–1507/3.3\*SECTION 1774. 115.297 (3) (d) of the statutes is amended to read:

18          115.297 (3) (d) Requires the agencies to exchange student and work force data  
19          to the extent necessary to perform the evaluation or study approved under par. (c).

20          \*–1507/3.4\*SECTION 1775. 115.297 (4) (a) of the statutes is amended to read:

21          115.297 (4) (a) Except as provided in par. (b), any of the agencies may submit  
22          student or work force data to the longitudinal data system under sub. (3) (a), to  
23          another agency, or to a public or private research organization, to support an  
24          evaluation or study under this section.

25          \*–1507/3.5\*SECTION 1776. 115.297 (6) of the statutes is created to read:

1           115.297 (6) REPORT. Annually by October 1, the agencies shall submit a joint  
2       report to the secretary of administration regarding their progress in establishing a  
3       longitudinal data system under sub. (3) (a).

4           \*~~0960/1.2~~**SECTION 1777.** 115.363 (2) (b) of the statutes is amended to read:

5           115.363 (2) (b) The school board shall pay to each nonprofit corporation with  
6       which it contracts under par. (a) an amount that is no more than the amount paid  
7       per pupil under s. 118.40 (2r) (e) ~~1m. or 2m.~~ or 2n. in the current school year  
8       multiplied by the number of pupils participating in the program under the contract.

9           \*~~1012/6.2~~**SECTION 1778.** 115.38 (1) (d) of the statutes is amended to read:

10          115.38 (1) (d) The number and percentage of resident pupils attending a course  
11       ~~in a nonresident school district~~ at an educational institution under s. 118.52, the  
12       number of nonresident pupils attending a course in the school district under s.  
13       118.52, and the courses taken by those pupils.

14          \*~~1158/3.1~~**SECTION 1779.** 115.385 of the statutes is created to read:

15          **115.385 School and school district accountability report.** (1) Annually  
16       by June 30, the department shall publish a school and school district accountability  
17       report that includes all of the following components:

18           (a) Multiple measures to determine a school's performance or a school district's  
19       improvement, including all of the following:

- 20           1. Pupil achievement and growth in reading and mathematics.
- 21           2. Measures of college and career readiness for high school pupils and measures  
22       indicative of being on track for college and career readiness in the elementary grades.
- 23           3. Gaps in pupil achievement and rates of graduation, categorized by race,  
24       English language proficiency, disability, and income level.

(b) An index system to identify a school's level of performance and annually place each school into one of 5 performance categories.

(2) Beginning one year after a charter school established under s. 118.40 (2r) or a private school participating in a parental choice program under s. 118.60 or 119.23 begins using the student information system under s. 115.28 (12) (b), or begins using a system that is interoperable with that system, the department shall include the school in its annual school accountability report under sub. (1).

\*\*\*NOTE: SECTION 115.28 (12) is modified in 2013 LRB-0990 to include charter schools and choice schools.

\*-1028/P7.4\*SECTION 1780. 115.40 of the statutes is created to read:

**115.40 School performance incentive program.** (1) GRANTS TO HIGH PERFORMING SCHOOLS. Beginning in the 2014–15 school year and annually thereafter, from the appropriation under s. 20.255 (2) (da), the department shall award an amount determined as follows to the school board of any school that is placed in a performance category of “significantly exceeds expectations” or “exceeds expectations” on the accountability report published for the school under s. 115.385 at the end of the immediately preceding school year:

(a) Divide the amount appropriated under s. 20.255 (2) (da) by the sum of the number of pupils enrolled in each school eligible to receive an award under this subsection.

(b) Multiply the quotient determined in par. (a) by the number of pupils enrolled in the school.

(2) GRANTS TO SCHOOLS THAT DEMONSTRATE IMPROVEMENT. Beginning in the 2014–15 school year and annually thereafter, from the appropriation under s. 20.255 (2) (db), the department shall award an amount determined as follows to the school



1 board of any school that increases the numeric score, used as the basis for the  
2 performance category within which the school was placed on the accountability  
3 report published for the school under s. 115.385 at the end of the immediately  
4 preceding school year, by at least 3 points over the numeric score received on the  
5 accountability report published for the school at the end of the previous school year:

6 (a) For each school eligible to receive an award under this paragraph, multiply  
7 the number of pupils enrolled in the school by the number of points by which the score  
8 on the most recent accountability report published for the school exceeded the score  
9 received in the previous school year.

10 (b) Divide the amount appropriated under s. 20.255 (2) (db) by the sum of the  
11 products under par. (a).

12 (c) Multiply the quotient determined in par. (b) by the number of pupils enrolled  
13 in the school.

14 **(3) GRANTS TO SCHOOLS THAT FAIL TO MEET EXPECTATIONS.** Beginning in the  
15 2014–15 school year and annually thereafter, from the appropriation under s. 20.255  
16 (2) (dd), the department shall award grants under this subsection to school boards  
17 within which a school that was placed in a performance category of “fails to meet  
18 expectations” on the accountability report published for the school under s. 115.385  
19 at the end of the immediately preceding school year if the school board includes with  
20 the notice of intent required under this subsection a written school improvement  
21 plan for each school eligible to receive an award under this subsection and if the  
22 department determines that the school improvement plan includes and  
23 comprehensively addresses all of the following components:

24 (a) A plan to achieve improvements in math and reading.

(b) A plan to collaborate with a high-performing school or a high-performing school district to obtain best practices.

(c) A plan to use the educator effectiveness system developed under s. 115.415 to achieve teacher and principal improvement.

(d) A plan to make administrative or staffing changes to achieve improvement.

(e) A plan to meet goals, set jointly by the school board and the department, that are based on measurable objectives, including those included on accountability reports published for the school under s. 115.385.

(4) INTENT TO PARTICIPATE; DISTRIBUTION OF FUNDS. (a) The school board of a school eligible to receive an award under this section shall submit an intent to participate to the department within 60 days after the department publishes the accountability report for the school as required under s. 115.385.

(b) 1. The administrator of a school eligible to receive an award under this section shall comply with the policy prepared under s. 120.12 (2r) for the distribution of funding to the school.

2. Upon compliance with the requirement under subd. 1., the school board of the school district within which the eligible school is located shall distribute the full amount of any award determined for the eligible school under sub. (1) or (2), or the full amount awarded to the eligible school under sub. (3), to that school.

**\*-1524/P3.4\*SECTION 1781.** 115.415 (2) (intro.) of the statutes is amended to read:

115.415 (2) (intro.) The department shall develop an educator effectiveness evaluation system according to the following framework, and may charge a fee to a school district and the governing body of a charter school established under s. 118.40 (2r) to use the system developed under this subsection:

1           **\*-1524/P3.5\*SECTION 1782.** 115.415 (4) of the statutes is created to read:

2           115.415 (4) From the appropriation under s. 20.255 (2) (ek), the department  
3           may award grants to school districts and the governing body of a charter school  
4           established under s. 118.40 (2r) to implement an educator effectiveness evaluation  
5           system developed under sub. (2) or an equivalency process established by rule under  
6           sub. (3).

7           **\*-1134/3.1\*SECTION 1783.** 115.42 (1) (a) 5. of the statutes is created to read:

8           115.42 (1) (a) 5. If the person is licensed by the department as a master educator  
9           under s. PI 34.19, Wis. Adm. Code, he or she has a rating of “effective” or “highly  
10          effective” in the applicable educator effectiveness system, as determined by the  
11          department.

12          **\*-1134/3.2\*SECTION 1784.** 115.42 (2) (a) 5. of the statutes is created to read:

13          115.42 (2) (a) 5. If the person is licensed by the department as a master educator  
14          under s. PI 34.19, Wis. Adm. Code, he or she maintains a rating of “effective” or  
15          “highly effective” in the applicable educator effectiveness system, as determined by  
16          the department.

17          **\*-1116/1.3\*SECTION 1785.** 115.77 (1) of the statutes is amended to read:

18          115.77 (1) In sub. (1m) (a) to (d), except as provided in s. 118.51 (12) (a) and (b)  
19          2., if a child with a disability is attending a public school in a nonresident school  
20          district under s. 115.7915, 118.51, or 121.84 (1) (a) or (4), “local educational agency”  
21          means the school district that the child is attending.

22          **\*-1116/1.4\*SECTION 1786.** 115.791 (4) of the statutes is amended to read:

23          115.791 (4) Subject to s. 115.77 (1m) (d) and (e), this section does not require  
24          a local educational agency to pay the cost of education, including special education  
25          and related services, of a child with a disability at a private school or facility,

1 including a child with a disability attending a private school under s. 115.7915, if the  
2 local educational agency made a free appropriate public education available to the  
3 child and the child's parents elected to place the child in a private school or facility.

4 \*–1116/1.5\*SECTION 1787. 115.7915 of the statutes is created to read:

5 **115.7915 Special Needs Scholarship Program.** (1) DEFINITION. In this  
6 section:

7 (a) "Eligible school" means a public school located in this state but outside the  
8 pupil's school district of residence; a charter school located in this state, including a  
9 charter school located in the pupil's school district of residence and a charter school  
10 under s. 118.40 (8); or a private school located in this state.

11 (b) "Services plan" has the meaning given in 34 CFR 300.37.

12 **(1m) SCHOLARSHIP REQUIREMENTS.** Subject to sub. (1r), beginning in the  
13 2013–14 school year, a child with a disability shall receive a scholarship under this  
14 section to attend an eligible school if all of the following apply:

15 (a) The school district in which the eligible public school is located, the eligible  
16 charter school, or the eligible private school notified the department of its intent to  
17 participate in the program under this section. The notice shall specify the number  
18 of pupils who may participate in the program under this section for whom the school  
19 has space.

20 (b) The school, if a private school, is approved by the state superintendent  
21 under s. 118.165 (2) or is accredited by the Wisconsin North Central Association,  
22 Wisconsin Religious and Independent Schools Accreditation, the Independent  
23 Schools Association of the Central States, Wisconsin Evangelical Lutheran Synod  
24 School Accreditation, National Lutheran School Accreditation, the diocese or  
25 archdiocese within which the private school is located, or any other organization

1 recognized by the National Council for Private School Accreditation as of the August  
2 1 preceding the school term for which the scholarship is awarded.

3 (c) An individualized education program or services plan has been completed  
4 for the child.

5 (d) The child attended a public school, attended a charter school, attended a  
6 private school under s. 118.60 or 119.23, or did not attend school in this state, for the  
7 entire school year immediately preceding the school year for which the child first  
8 receives a scholarship under this section.

9 (e) The child, or the child's parent on behalf of the child, has submitted an  
10 application to the eligible school, on a form prepared by the department, for a  
11 scholarship under this section to attend the eligible school. The application shall  
12 include the document developed by the department under sub. (2) (a). An application  
13 may be made, and a child may begin attending an eligible school under this section,  
14 at any time during the school year.

15 (f) The child has been accepted by the school district in which the eligible public  
16 school is located, the eligible charter school, or the eligible private school.

17 **(1r)** LIMIT ON NUMBER OF SCHOLARSHIP RECIPIENTS. The total number of  
18 scholarship recipients under this section in any school year may not exceed 5 percent  
19 of the total number of children with disabilities residing in this state in the previous  
20 school year, as determined by the department.

21 **(1s)** ACCEPTANCE OF PUPILS. If an eligible school receives more applications  
22 under sub. (1m) (e) than the number of pupils specified in the notice under sub. (1m)  
23 (a), it shall select pupils on a random basis except that it may give preference to  
24 siblings of pupils who are already attending the eligible school.

1           (2) DEPARTMENT DUTIES. (a) 1. The department shall develop, for inclusion with  
2           an application under sub. (1m) (e), a document, and revise it as necessary, comparing  
3           the rights of a child with a disability and of his or her parent under this subchapter,  
4           other than this section, and 20 USC 1400 to 1482, with the rights of a child with a  
5           disability and of his or her parent under this section and 20 USC 1400 to 1482.

6           2. Receipt by an applicant of the document developed under subd. 1.,  
7           acknowledged in a format prescribed by the department, constitutes notice that the  
8           applicant has been informed of his or her rights under this section and 20 USC 1400  
9           to 1482. Subsequent acceptance of a scholarship under this section constitutes the  
10          applicant's informed consent to the rights specified in the document.

11          (b) The governing body of an eligible school that accepts a child under sub. (1m)  
12          (f) shall notify the department. Upon being notified, the department shall do all of  
13          the following:

14           1. Notify the school board of the pupil's school district of residence that the pupil  
15           has been awarded a scholarship under this section. The school board shall, within  
16           3 days of receiving the notice, provide the department and the governing body of the  
17           eligible school that accepted the pupil with a copy of the pupil's individualized  
18           education program.

19           2. Determine the amount of the pupil's scholarship. The amount shall be the  
20           lesser of the following:

21           a. Divide the sum of the statewide gross property tax levy for schools in the  
22           previous year and the total amount of general school aid appropriated under s.  
23           20.255 (2) (ae), (ar), and (bb) in the previous fiscal year by the total statewide  
24           membership, as defined in s. 121.004 (5), in the previous school year, and add to the  
25           quotient the result obtained by dividing the amount appropriated under s. 20.255 (2)

1 (b) in the previous fiscal year by the total full-time equivalent number of children  
2 with disabilities enrolled in public schools in the previous school year.

3 b. The cost to the school district in which the eligible public school is located,  
4 the eligible charter school, or the eligible private school of providing to the pupil  
5 regular instruction, instructional and pupil support services, special education and  
6 related services, supplementary aids and services, and operating and debt services  
7 costs per pupil, as described under s. 118.60 (4) (d), other than costs under s. 115.88  
8 (3) and (4).

9 3. Prorate the amount determined under subd. 2. for a pupil attending an  
10 eligible school for less than a full school term.

11 4. Notify the parent of the scholarship amount, as determined under subd. 2.  
12 or 3., accompanied by an explanation of how the amount was determined.

13 5. On behalf of the pupil's parent, pay the scholarship to the school district,  
14 charter school, or private school that the pupil attends from the appropriation under  
15 s. 20.255 (2) (az), except that the department may not pay a scholarship to a private  
16 school unless the pupil's parent has acknowledged receiving the private school's  
17 profile under sub. (4) (g) in the manner provided by the department. Except as  
18 provided in sub. (3) (c), the scholarship continues while the pupil attends an eligible  
19 school until the pupil graduates from high school or until the end of the school term  
20 in which the pupil attains the age of 21, whichever comes first.

21 **(3) SCHOOL BOARD DUTIES.** (a) Annually, each school board shall notify the  
22 parents of each child with a disability enrolled in the school district of the program  
23 under this section.

24 (b) Upon the request of a parent of a pupil receiving a scholarship, the pupil's  
25 resident school district shall administer the appropriate examinations under s.

1 118.30 to the pupil at no cost if the school attended by the pupil does not administer  
2 them.

3 (c) If a child attends a private school under this section, the school board of the  
4 child's school district of residence shall ensure that the child's individualized  
5 education program team reevaluates the child as provided in s. 115.782 (4). If the  
6 individualized education program team determines that the child is no longer a child  
7 with a disability, the child is ineligible to receive a scholarship under this section  
8 beginning in the school term following the determination.

9 **(3m) MAINTENANCE OF EFFORT.** Whenever a pupil receives a scholarship under  
10 this section, the department and the school board of the pupil's school district of  
11 residence shall count the scholarship amount toward federal maintenance-of-effort  
12 requirements.

13 **(4) PRIVATE SCHOOL DUTIES.** Each private school participating in the program  
14 under this section shall do all of the following:

15 (a) Comply with all health and safety laws or codes that apply to private  
16 schools.

17 (b) Hold a valid certificate of occupancy, if required by the municipality in which  
18 the school is located or, if the municipality in which the school is located does not  
19 issue certificates of occupancy, obtain a certificate of occupancy issued by the local  
20 or regional governmental unit with authority to issue certificates of occupancy.

21 (c) Comply with 42 USC 2000d.

22 (d) Conduct criminal background investigations of its employees and exclude  
23 from employment any person not permitted to hold a teaching license as the result  
24 of an offense and any person who might reasonably be believed to pose a threat to the  
25 safety of others.



1           (e) Annually submit to the department a school financial information report,  
2       prepared by a certified public accountant, that complies with uniform financial  
3       accounting standards established by the department by rule under s. 118.60 (11) (a).  
4       The report shall be accompanied by an auditor's statement that the report is free of  
5       material misstatements and fairly represents pupil costs. The report shall be limited  
6       in scope to those records that are necessary for the department to make payments  
7       to the private school.

8           (f) If the private school expects to receive at least \$50,000 in scholarships under  
9       this section during a school year, do one of the following before the beginning of the  
10      school year:

11          1. File with the department a surety bond payable to the state in an amount  
12      equal to 25 percent of the total amount of scholarships expected to be received by the  
13      private school during the school year under this section.

14          2. File with the department financial information demonstrating that the  
15      private school has the ability to pay an amount equal to the total amount of  
16      scholarships expected to be received by the private school during the school year  
17      under this section.

18          (g) Provide to each applicant under sub. (1m) (e) a profile of the private school's  
19      special education program, in a form prescribed by the department, that includes the  
20      methods of instruction that will be used by the school to provide special education  
21      and related services to the child and the qualifications of the teachers and other  
22      persons who will be providing special education and related services to the child.

23          (h) 1. Implement the child's most recent individualized education program or  
24      services plan, as modified by agreement between the private school and the child's  
25      parent, and related services agreed to by the private school and the child's parent

1 that are not included in the child's individualized education program or services  
2 plan.

3 2. Provide a record of the implementation of the child's individualized  
4 education program or services plan under subd. 1., including an evaluation of the  
5 child's progress, to the school board of the school district in which the child resides  
6 in the form and manner prescribed by the department.

7 (i) Regularly report to the parent of a pupil attending the private school and  
8 receiving a scholarship under this section on the pupil's progress.

9 (5) TRANSPORTATION. (a) *Private school.* Section 121.54 applies to the  
10 transportation of a pupil to and from the private school he or she is attending under  
11 this section.

12 (b) *Public school.* Section 118.51 (14) applies to the transportation of a pupil  
13 to and from the public school he or she is attending under this section.

14 (6) PENALTIES. (a) The department may bar a school district, charter school,  
15 or private school from participating in the program under this section if the  
16 department determines that the school district, charter school, or private school has  
17 done any of the following:

18 1. Intentionally and substantially misrepresented information required under  
19 sub. (4).

20 2. Routinely failed to comply with the standards under sub. (4) (e) or (f).

21 3. Used a pupil's scholarship for any purpose other than educational purposes  
22 or rebated, refunded, or shared a pupil's scholarship with a parent or pupil.

23 4. Failed to refund to the state, in a timely manner, any scholarship  
24 overpayments.

1 (b) If the department bars a school district, charter school, or private school  
2 from participating in the program under this section, it shall notify all pupils eligible  
3 to participate in the program and their parents as quickly as possible. A pupil who  
4 is receiving a scholarship and attending a school district, charter school, or private  
5 school barred from the program may attend another participating school district,  
6 charter school, or private school under the scholarship.

7 (7) STUDY. (a) The legislative audit bureau shall contract for a study of the  
8 program under this section with one or more researchers who have experience  
9 evaluating school choice programs. The study shall evaluate all of the following:

10 1. The level of satisfaction with the program expressed by participating pupils  
11 and their parents.

12 2. The percentage of participating pupils who were victimized because of their  
13 special needs at their resident school district and the percentage of such pupils at  
14 their participating school.

15 3. The percentage of participating pupils who exhibited behavioral problems  
16 at their resident school district and the percentage of such pupils at their  
17 participating school.

18 4. The average class size at participating pupils' resident school districts and  
19 at their participating schools.

20 5. The fiscal impact of the program on the state and on resident school districts.

21 (b) The contract under par. (a) shall require the researchers who conduct the  
22 study to do all of the following:

23 1. Apply appropriate analytical and behavioral science methodologies to  
24 ensure public confidence in the study.

25 2. Protect the identity of participating schools and pupils.

1 (c) The contract under par. (a) shall require that the results of the study be  
2 reported to the appropriate standing committees of the legislature under s. 13.172  
3 (3) by January 9, 2016.

4 (8) RULES. The department shall promulgate rules to implement and  
5 administer this section, including rules relating to all of the following:

6 (a) The eligibility and participation of eligible schools, including timelines that  
7 maximize pupil and school participation.

8 (b) The calculation and distribution of scholarships.

9 (c) The application and approval procedures for pupils and eligible schools.

10 (d) In a manner consistent with federal law, requiring the school board of a  
11 school district participating in the program under this section to spend its federal  
12 equitable share funds on children with disabilities who are enrolled by their parents  
13 in private schools other than under this section.

14 \*-0212/1.1\*SECTION 1788. 118.016 (1) of the statutes is amended to read:

15 118.016 (1) ~~Beginning in~~ In the 2012–13 and 2013–14 school year years, each  
16 school board and the governing body of each charter school established under s.  
17 118.40 (2r) shall, using the appropriate, valid, and reliable assessment of literacy  
18 fundamentals selected by the department, annually assess each pupil enrolled in  
19 kindergarten in the school district or in the charter school for reading readiness.  
20 Beginning in the 2014–15 school year, each school board and the governing body of  
21 each charter school established under s. 118.40 (2r) shall, using the appropriate,  
22 valid, and reliable assessment of literacy fundamentals selected by the department,  
23 annually assess each pupil enrolled in grades kindergarten to 2 in the school district  
24 or in the charter school for reading readiness. The department shall ensure that the

1 assessment evaluates whether a pupil possesses phonemic awareness and letter  
2 sound knowledge.

3 **\*-1029/P5.1\*SECTION 1789.** 118.145 (4) of the statutes is amended to read:

4 118.145 (4) The school board of a school district operating high school grades  
5 shall allow a pupil enrolled in a private school, or a pupil enrolled in a tribal school,  
6 ~~or a pupil enrolled in a home-based educational program~~, who has met the standards  
7 for admission to high school under sub. (1), to take up to 2 courses during each school  
8 semester if the pupil resides in the school district in which the public school is located  
9 and if the school board determines that there is sufficient space in the classroom.

10 **\*-1132/P2.1\*SECTION 1790.** 118.19 (13) of the statutes is repealed.

11 **\*-1398/1.1\*SECTION 1791.** 118.19 (16) of the statutes is created to read:

12 118.19 (16) The department shall ensure that teaching experience gained  
13 while a person held an emergency permit issued by the department under s. PI 34.21  
14 (2), Wis. Adm. Code, counts toward fulfillment of the teaching experience  
15 requirement for a license based on experience under s. PI 34.195 (2), Wis. Adm. Code,  
16 or for a license in a school administrator category under s. PI 34.32, Wis. Adm. Code.

17 **\*-0346/P4.1\*SECTION 1792.** 118.30 (1) of the statutes is amended to read:

18 118.30 (1) The state superintendent shall adopt or approve examinations  
19 designed to measure pupil attainment of knowledge and concepts in the 4th, 8th and,  
20 9th, 10th, and 11th grades.

21 **\*-0346/P4.2\*SECTION 1793.** 118.30 (1m) (ar) of the statutes is created to read:

22 118.30 (1m) (ar) Except as provided in sub. (7), beginning in the 2014–15 school  
23 year, administer the 9th grade examination adopted or approved by the state  
24 superintendent under sub. (1) to all pupils enrolled in the school district, including  
25 pupils enrolled in charter schools located in the school district, in the 9th grade.

**SECTION 1794**

**\*-0346/P4.3\*SECTION 1794.** 118.30 (1m) (c) of the statutes is created to read:

118.30 (1m) (c) Except as provided in sub. (7), beginning in the 2014–15 school year, administer the 11th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the school district, including pupils enrolled in charter schools located in the school district, in the 11th grade.

**\*-0346/P4.4\*SECTION 1795.** 118.30 (1r) (ar) of the statutes is created to read:

118.30 (1r) (ar) Beginning in the 2014–15 school year, administer the 9th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the charter school in the 9th grade.

**\*-0346/P4.5\*SECTION 1796.** 118.30 (1r) (c) of the statutes is created to read:

118.30 (1r) (c) Beginning in the 2014–15 school year, administer the 11th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils enrolled in the charter school in the 11th grade.

**\*-0346/P4.6\*SECTION 1797.** 118.30 (1s) (a) 2m. of the statutes is created to

read:

118.30 (1s) (a) 2m. Beginning in the 2014–15 school year, administer the 9th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 9th grade in the private school under s. 119.23.

**\*-0346/P4.7\*SECTION 1798.** 118.30 (1s) (a) 3m. of the statutes is created to

read:

118.30 (1s) (a) 3m. Beginning in the 2014–15 school year, administer the 11th grade examination adopted or approved by the state superintendent under sub. (1) to all pupils attending the 11th grade in the private school under s. 119.23.

**\*-0346/P4.8\*SECTION 1799.** 118.30 (1t) (bm) of the statutes is created to read:

1           118.30 (1t) (bm) Beginning in the 2014–15 school year, administer the 9th  
2       grade examination adopted or approved by the state superintendent under sub. (1)  
3       to all pupils attending the 9th grade in the private school under s. 118.60.

4           **\*-0346/P4.9\*SECTION 1800.** 118.30 (1t) (cm) of the statutes is created to read:

5           118.30 (1t) (cm) Beginning in the 2014–15 school year, administer the 11th  
6       grade examination adopted or approved by the state superintendent under sub. (1)  
7       to all pupils attending the 11th grade in the private school under s. 118.60.

8           **\*-0346/P4.10\*SECTION 1801.** 118.30 (2) (b) 5. of the statutes is amended to  
9       read:

10          118.30 (2) (b) 5. Upon the request of a pupil's parent or guardian, the governing  
11       body of a private school participating in the program under s. 119.23 shall excuse the  
12       pupil from taking an examination administered under sub. (1s) (a) 1. to ~~3.~~ 3m.

13          **\*-0346/P4.11\*SECTION 1802.** 118.30 (2) (b) 6. of the statutes is amended to  
14       read:

15          118.30 (2) (b) 6. Upon the request of a pupil's parent or guardian, the governing  
16       body of a private school participating in the program under s. 118.60 shall excuse the  
17       pupil from taking an examination administered under sub. (1t) (a) to (e) (cm).

18          **\*-1137/P4.9\*SECTION 1803.** 118.40 (2) (b) (intro.) of the statutes is renumbered  
19       118.40 (2) (b) and amended to read:

20          118.40 (2) (b) A school board may grant a petition that would result in the  
21       conversion of all of the public schools in the school district to charter schools ~~if all of~~  
22       ~~the following apply:~~

23          **\*-1137/P4.10\*SECTION 1804.** 118.40 (2) (b) 1. and 2. of the statutes are  
24       repealed.

25          **\*-0951/2.1\*SECTION 1805.** 118.40 (2m) (a) of the statutes is amended to read:

1           118.40 (2m) (a) A school board may on its own initiative contract with a person  
2           to operate a school as a charter school. The contract shall include all of the provisions  
3           specified under sub. (1m) (b) and may include other provisions agreed to by the  
4           parties, except as otherwise provided in this section.

5           \*~~1137/P4.11~~**SECTION 1806.** 118.40 (2m) (b) of the statutes is amended to  
6           read:

7           118.40 (2m) (b) A school board may ~~not~~ enter into a contract under par. (a) that  
8           would result in the conversion of all of the public schools in the school district to  
9           charter schools ~~unless the school board complies with sub. (2) (b) 2.~~

10          \*~~1137/P4.12~~**SECTION 1807.** 118.40 (2r) (b) 1. (intro.) of the statutes is  
11          amended to read:

12          118.40 (2r) (b) 1. (intro.) ~~All~~ Except as provided in subd. 3., any of the following  
13          entities may ~~establish by charter and operate a charter school or, on behalf of their~~  
14          ~~respective entities, may initiate a~~ contract with ~~an individual or group~~ a person to  
15          operate a school as a charter school:

16          \*~~1137/P4.13~~**SECTION 1808.** 118.40 (2r) (b) 1. e. of the statutes is created to  
17          read:

18          118.40 (2r) (b) 1. e. Any nonprofit, nonsectarian organization or consortium of  
19          such organizations approved by the charter school oversight board under par. (bm).

20          \*~~1137/P4.14~~**SECTION 1809.** 118.40 (2r) (b) 2. of the statutes is renumbered  
21          118.40 (2r) (b) 2. (intro.) and amended to read:

22          118.40 (2r) (b) 2. (intro.) A charter shall include all of the provisions specified  
23          under sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified  
24          under sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the  
25          charter school on the liability of the contracting entity under this paragraph. The



1 contract shall also include all of the following provisions and may include other  
2 provisions agreed to by the parties. ~~The chancellor of the University of~~  
3 ~~Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish~~  
4 ~~or enter into a contract for the establishment of a charter school under this~~  
5 ~~paragraph without the approval of the board of regents of the University of~~  
6 ~~Wisconsin System.~~

7 **\*-1137/P4.15\*SECTION 1810.** 118.40 (2r) (b) 2. a. to k. of the statutes are  
8 created to read:

9 118.40 (2r) (b) 2. a. A requirement that the charter school governing board  
10 adhere to specified annual academic and operational performance standards  
11 developed in accordance with the performance framework of the entity with which  
12 it is contracting.

13 b. Provisions detailing the corrective measures the charter school governing  
14 board will take if the charter school fails to meet performance standards.

15 c. A provision allowing the governing board of a charter school that receives a  
16 rating of “exceeds expectations” or “significantly exceeds expectations” in the most  
17 recent school report published by the department under s. 115.385 to open one or  
18 more additional charter schools. If the charter school governing board opens one or  
19 more additional charter schools, the existing contract applies to the new school or  
20 schools unless the parties agree to amend the existing contract or enter into a new  
21 contract.

\*\*\*\*NOTE: Section 115.385 is created in 2013 LRB-1158.

22 d. The methodology that will be used by the charter school governing board to  
23 monitor and verify pupil enrollment, credit accrual, and course completion.

24 e. A requirement that the entity under subd. 1. have direct access to pupil data.

**SECTION 1810**

1 f. A description of the administrative relationship between the parties to the  
2 contract.

3 g. A requirement that the charter school governing board hold parent-teacher  
4 conferences at least annually.

5 h. A requirement that if more than one charter school is operated under the  
6 contract, the charter school governing board reports to the entity under subd. 1. on  
7 each charter school separately.

8 i. A requirement that the charter school governing board provide the data  
9 needed by the entity under subd. 1. for purposes of making the report required under  
10 sub. (3m) (a) 6.

11 j. A requirement that the charter school governing board participate in any  
12 training provided by the entity under subd. 1.

13 k. A description of all fees that the entity under subd. 1. will charge the charter  
14 school governing board.

15 **\*-1137/P4.16\*SECTION 1811.** 118.40 (2r) (b) 3. of the statutes is repealed and  
16 recreated to read:

17 118.40 (2r) (b) 3. If an entity specified in subd. 1. a. to d. was operating a charter  
18 school itself immediately prior to the effective date of this subdivision .... [LRB  
19 inserts date], it may continue to do so.

20 **\*-1137/P4.17\*SECTION 1812.** 118.40 (2r) (bm) of the statutes is repealed and  
21 recreated to read:

22 118.40 (2r) (bm) 1. A nonprofit, nonsectarian organization or a consortium of  
23 such organizations that wishes to contract with a charter school governing board to  
24 operate a charter school shall submit an application to the charter school oversight

1 board. The application shall include all of the following and any other information  
2 requested by the board:

3 a. A strategic plan for contracting with charter school governing boards that  
4 submit high-quality proposals for charter schools that meet identified educational  
5 needs and promote a diversity of educational choices.

6 b. A performance framework for use in supervising and evaluating charter  
7 schools that addresses pupil academic proficiency, growth in pupil academic  
8 achievement, gaps in achievement between groups of pupils, pupil attendance, the  
9 readiness of pupils for postsecondary education, the financial proficiency and  
10 sustainability of charter schools, and charter school management.

11 c. An assurance that the organization or consortium will ensure accountability  
12 and transparency on the part of those charter school governing boards with which  
13 it contracts.

14 d. A plan, including corrective action strategies, designed to improve a charter  
15 school under contract with the organization or consortium, or to close such a charter  
16 school, based on contractual performance standards.

17 e. A description of the types of charter schools the organization or consortium  
18 is seeking to establish, and their potential attendance areas.

19 f. Information on the organization's or consortium's finances and other  
20 resources necessary for the charter school oversight board to determine the  
21 applicant's ability to perform its functions under this section.

22 g. A plan for entering into additional contracts in order to replicate successful  
23 charter schools.

24 2. The charter school oversight board shall approve or deny an application  
25 within 90 days of receiving the application.

1           \*~~1137/P4.18~~\*SECTION 1813. 118.40 (2r) (c) of the statutes is repealed and  
2           recreated to read:

3           118.40 (2r) (c) 1. An entity under par. (b) 1. may contract for the operation of  
4           a charter school located anywhere in this state.

5           4. a. A school board may prohibit a pupil who resides in the school district from  
6           attending a charter school established under this subsection unless the school  
7           district's membership, as defined in s. 121.004 (5), is at least 4,000 and at least 2  
8           public schools in the school district were rated "fails to meet expectations" or "meets  
9           few expectations" in the most recent school report published by the department  
10          under s. 115.385.

11          b. A pupil who wishes to attend a charter school established under this  
12          subsection and who resides in a school district in which the school board may prohibit  
13          pupils from attending a charter school established under this subsection shall  
14          submit an application to the school board. Within 30 days of receiving the  
15          application, the school board shall issue a decision allowing or prohibiting the pupil  
16          from attending the charter school.

17          \*~~1137/P4.19~~\*SECTION 1814. 118.40 (2r) (cm) of the statutes is repealed.

18          \*~~0961/3.1~~\*SECTION 1815. 118.40 (2r) (e) 1m. of the statutes is amended to  
19          read:

20          118.40 (2r) (e) 1m. In the 2011–12 and 2012–13 school years, from the  
21          appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of  
22          the charter school an amount equal to the sum of the amount paid per pupil under  
23          this paragraph in the previous school year and the increase in the per pupil amount  
24          paid to private schools under s. 119.23 (4) (b) 2., 2011 stats., or s. 119.23 (4) (bg), 2011

1 stats., in the current school year as compared to the previous school year, multiplied  
2 by the number of pupils attending the charter school.

3 **\*-0960/1.3\*SECTION 1816.** 118.40 (2r) (e) 1m. of the statutes is repealed.

4 **\*-0960/1.4\*SECTION 1817.** 118.40 (2r) (e) 2m. of the statutes is amended to  
5 read:

6 118.40 (2r) (e) 2m. In the 2013–14 school year ~~and in each school year~~  
7 ~~thereafter~~, from the appropriation under s. 20.255 (2) (fm), the department shall pay  
8 to the operator of the charter school an amount equal to ~~the sum of the amount paid~~  
9 ~~per pupil under this paragraph in the previous school year and the per pupil revenue~~  
10 ~~limit adjustment under s. 121.91 (2m) in the current school year, \$7,852~~ multiplied  
11 by the number of pupils attending the charter school.

12 **\*-0960/1.5\*SECTION 1818.** 118.40 (2r) (e) 2n. of the statutes is created to read:

13 118.40 (2r) (e) 2n. In the 2014–15 school year and in each school year  
14 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay  
15 to the operator of the charter school an amount equal to \$7,931 multiplied by the  
16 number of pupils attending the charter school.

17 **\*-0960/1.6\*SECTION 1819.** 118.40 (2r) (e) 3m. of the statutes is amended to  
18 read:

19 118.40 (2r) (e) 3m. ~~The amount paid per pupil under this paragraph may not~~  
20 ~~be less than the amount paid per pupil under this paragraph in the previous school~~  
21 ~~year.~~ The department shall pay 25% of the total amount in September, 25% in  
22 December, 25% in February, and 25% in June. The department shall send the check  
23 to the operator of the charter school.

24 **\*-0960/1.7\*SECTION 1820.** 118.40 (2r) (e) 4. of the statutes is repealed.

25 **\*-1137/P4.20\*SECTION 1821.** 118.40 (2r) (f) of the statutes is created to read:

1           118.40 (2r) (f) A charter school established under this subsection is a local  
2 educational agency under 20 USC 6301 to 6578 and as such is eligible for funding as  
3 a local educational agency, and shall comply with all requirements of local  
4 educational agencies, under 20 USC 6301 to 6578.

5           \*~~1137/P4.21~~\*SECTION 1822. 118.40 (2r) (g) of the statutes is created to read:

6           118.40 (2r) (g) If a charter school established by contract with an entity under  
7 par. (b) 1. a. to d. is in operation on the effective date of this paragraph .... [LRB inserts  
8 date], and the charter school receives a rating of “exceeds expectations” or  
9 “significantly exceeds expectations” in the most recent school report published by the  
10 department under s. 115.385, the person operating the charter school may open one  
11 or more additional charter schools notwithstanding the terms of the existing  
12 contract. All provisions of the existing contract, other than any provision that  
13 conflicts with this paragraph, apply to the new school or schools unless parties agree  
14 to amend the existing contract or enter into a new contract.

15           \*~~0951/2.2~~\*SECTION 1823. 118.40 (3) (a) of the statutes is amended to read:

16           118.40 (3) (a) If the school board grants the petition under sub. (2), the school  
17 board shall contract with the person named in the petition under sub. (1m) (b) 1. to  
18 operate the school as a charter school under this section. The contract shall include  
19 all of the provisions specified in the petition and may include other provisions agreed  
20 to by the parties, except as otherwise provided in this section.

21           \*~~0951/2.3~~\*SECTION 1824. 118.40 (3) (b) of the statutes is amended to read:

22           118.40 (3) (b) A contract under par. (a) or under subs. (2m) or (2r) may be for  
23 any term not exceeding 5 school years and may be renewed for one or more terms not  
24 exceeding 5 school years. The contract shall specify the amount to be paid to the

1 charter school during each school year of the contract, except as provided in par. (i)  
2 1.

3 **\*-1137/P4.22\*SECTION 1825.** 118.40 (3) (d) of the statutes is renumbered  
4 118.40 (3m) (a) 3. and amended to read:

5 118.40 (3m) (a) 3. ~~A school board or an entity under sub. (2r) (b) shall give~~ Give  
6 preference in awarding contracts for the operation of charter schools to those charter  
7 schools that serve children at risk, as defined in s. 118.153 (1) (a).

8 **\*-1137/P4.23\*SECTION 1826.** 118.40 (3) (e) of the statutes is renumbered  
9 118.40 (3m) (a) 2. and amended to read:

10 118.40 (3m) (a) 2. ~~When establishing or contracting for the establishment of~~  
11 ~~a charter school under this section, a school board or entity specified under sub. (2r)~~  
12 ~~(b) shall consider~~ adhere to the principles and standards for quality charter schools  
13 established by the National Association of Charter School Authorizers.

14 **\*-1137/P4.24\*SECTION 1827.** 118.40 (3) (f) of the statutes is created to read:

15 118.40 (3) (f) A contract with a school board or an entity under sub. (2r) (b) may  
16 provide for the establishment of more than one charter school, and a charter school  
17 governing board may enter into more than one contract with a school board or entity  
18 under sub. (2r) (b).

19 **\*-1137/P4.25\*SECTION 1828.** 118.40 (3) (g) of the statutes is created to read:

20 118.40 (3) (g) 1. Except as provided in subds. 2. and 3. and sub. (4) (ar) 1., a  
21 contract with a school board or an entity under sub. (2r) (b) shall require that if the  
22 capacity of the charter school is insufficient to accept all pupils who apply, the charter  
23 school shall accept pupils at random.

1           2. A charter school shall give preference in enrollment to pupils who were  
2 enrolled in the charter school in the previous school year and to siblings of pupils who  
3 are enrolled in the charter school.

4           3. A charter school may give preference in enrollment to the children of the  
5 charter school's founders, governing board members, and full-time employees, but  
6 the total number of such children given preference may constitute no more than 10  
7 percent of the charter school's total enrollment.

8           \*~~0951/2.4~~**SECTION 1829.** 118.40 (3) (i) of the statutes is created to read:

9           118.40 (3) (i) A contract under par. (a) or sub. (2m) in which the charter school  
10 is an instrumentality of the school district, as provided in sub. (7), shall do all of the  
11 following:

12           1. Specify the amount the school board will pay to the operator of the charter  
13 school for each resident pupil attending the charter school. The amount shall be  
14 commensurate with the average per pupil cost for the school district.

15           2. Grant the operator of the charter school sole discretion over the charter  
16 school's budget, curriculum, and professional development, and notwithstanding  
17 sub. (7) (a) and (am), over the hiring of personnel and personnel policies for the  
18 charter school, except where a decision in any of these areas affects the health or  
19 safety of pupils or staff, as determined by the school board.

20           3. Not impose on the operator of the charter school any requirement in chs. 115  
21 to 121 that does not explicitly apply to charter schools.

22           \*~~1137/P4.26~~**SECTION 1830.** 118.40 (3m) (title) and (a) (intro.) of the statutes  
23 are created to read:

24           118.40 (3m) (title) AUTHORIZING ENTITY DUTIES. (a) (intro.) A school board or  
25 entity under sub. (2r) (b) shall do all of the following:



1           **\*-1137/P4.27\*SECTION 1831.** 118.40 (3m) (a) 1. and 4. to 6. of the statutes are  
2       created to read:

3           118.40 (3m) (a) 1. Solicit and evaluate charter school applications.

4           4. Approve only high-quality charter school applications that meet identified  
5       educational needs and promote a diversity of educational choices.

6           5. In accordance with the terms of each charter school contract, monitor the  
7       performance and compliance with this section of each charter school with which it  
8       contracts.

9           6. Annually, submit to the state superintendent and to the legislature under  
10      s. 13.172 (2) a report that includes all of the following:

11          a. An identification of each charter school operating under contract with it,  
12      each charter school that operated under a contract with it but had its contract  
13      nonrenewed or revoked or that closed, and each charter school under contract with  
14      it that has not yet begun to operate.

15          b. The academic and financial performance of each charter school operated  
16      under contract with it.

17          c. The operating costs of the school board or entity under sub. (2r) (b) incurred  
18      under subds. 1. to 5., detailed in an audited financial statement prepared in  
19      accordance with generally accepted accounting principles.

20          d. The services the school board or entity under sub. (2r) (b) has provided to the  
21      charter schools under contract with it and an itemized accounting of the cost of the  
22      services.

23           **\*-1137/P4.28\*SECTION 1832.** 118.40 (3m) (b) of the statutes is created to read:

1           118.40 (3m) (b) An organization or consortium approved by the charter school  
2 oversight board under sub. (2r) (bm) annually shall submit a report to the charter  
3 school oversight board that includes all the information specified in par. (a) 6.

4           \*–1137/P4.29\*SECTION 1833. 118.40 (4) (title) of the statutes is amended to  
5 read:

6           118.40 (4) (title) CHARTER SCHOOL GOVERNING BOARD; DUTIES, POWERS, AND  
7 RESTRICTIONS.

8           \*–1137/P4.30\*SECTION 1834. 118.40 (4) (a) of the statutes is renumbered  
9 118.40 (4) (ar), and 118.40 (4) (ar) (intro.), as renumbered, is amended to read:

10          118.40 (4) (ar) *Duties.* (intro.) A charter school governing board shall do all of  
11 the following:

12          \*–1137/P4.31\*SECTION 1835. 118.40 (4) (ag) of the statutes is created to read:

13          118.40 (4) (ag) *Governing board.* Each charter school shall be governed by a  
14 governing board that is a party to the contract with the authorizing entity. No more  
15 than a minority of the governing board's members may be employees of the charter  
16 school or employees or officers of the school district in which the charter school is  
17 located.

18          \*–1137/P4.32\*SECTION 1836. 118.40 (4) (b) (intro.) of the statutes is amended  
19 to read:

20          118.40 (4) (b) *Restrictions.* (intro.) A charter school governing board may not  
21 do any of the following:

22          \*–1137/P4.33\*SECTION 1837. 118.40 (4) (b) 2. of the statutes is amended to  
23 read:

24          118.40 (4) (b) 2. Except as provided in ~~par. (e)~~ sub. (3) (h), discriminate in  
25 admission or deny participation in any program or activity on the basis of a person's